

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FELIX A. RIVERA, JR.,

Petitioner,

v.

DOERER,

Respondent.

Case No. 1:24-cv-01577-JLT-HBK (HC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(Doc. No. 10)

Before the court is Petitioner's motion for appointment of counsel. (Doc. No. 10).

Petitioner, a federal prisoner proceeding pro se, has pending a petition for writ of habeas corpus filed under 28 U.S.C. § 2254. (Doc. No. 1). Petitioner requests that the Court to appoint counsel to represent him in this matter. (Doc. No. 10).

There is no automatic, constitutional right to counsel in federal habeas proceedings. *See Coleman v. Thompson*, 501 U.S. 722, 752 (1991); *Anderson v. Heinze*, 258 F.2d 479, 481 (9th Cir. 1958). The Criminal Justice Act, 18 U.S.C. § 3006A, however, authorizes this court to appoint counsel for a financially eligible person who seeks relief under § 2241 when the "court determines that the interests of justice so require." *Id.* at § 3006A(a)(2)(B); *see also Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Moreover, the *Rules Governing Section 2254 Cases in the United States District Courts* require the court to appoint counsel: (1) when the court has

1 authorized discovery upon a showing of good cause and appointment of counsel is necessary for
2 effective discovery; or (2) when the court has determined that an evidentiary hearing is warranted.
3 *Id.* at Rs. 6(a) and 8(c).

4 Based upon the record, the Court finds Petitioner has not demonstrated that appointment
5 of counsel is necessary at this stage of the proceedings. Petitioner was able to file his habeas
6 petition without the aid of counsel. Further, the Court finds the circumstances of this case at this
7 time do not indicate that appointed counsel is necessary to prevent due process violations.

8 Accordingly, it is **ORDERED**:

9 Petitioner's motion for appointment of counsel (Doc. No. 10) is denied without
10 prejudice.

11
12 Dated: March 27, 2025


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE